REMARKS

The present invention is wireless terminal for communicating with other wireless terminals in a network using wireless signals and a method in a wireless terminal for communicating with other wireless terminals in a network using wireless signals. A wireless terminal in accordance with an embodiment of the invention includes an input device 2 for inputting commands and data; an output device 3 and 13 for outputting information; a transmitter/receiver circuit 19 for transmitting and receiving wireless signals; and a controller 18 for controlling said input device, said output device and said transmitter/receiver circuit wherein said controller is settable by a user to one of a plurality of operational modes including a scanner mode 502 which causes said wireless terminal to scan received wireless signals to determine whether identifying wireless signals corresponding to a target device have been received and if said identifying wireless signals have been received, outputting via said output device an indication that said wireless terminal is within range of said target device where communications with said target device can be conducted. The operational modes further include a target mode 505 which causes said wireless terminal to operate as a target device and transmit identifying wireless signals identifying the wireless terminal. See page 9, lines 7-24, through page 10, lines 1-7 of the specification for a discussion of the scanning and target modes.

Claims 1, 2, 6, 11, 12 and 16 stand rejected under 35 U.S.C. §102 as being anticipated by United States Patent 6,694,143 (Beamish). These grounds of rejection are traversed for the following reasons.

Each of independent claims 1 and 11, which respectfully recite a wireless terminal for communicating with other wireless terminals in a network using wireless

signals and a method in a wireless terminal for communicating with other wireless terminals in a network using wireless signals, substantively recites controlling the inputting of command and data, the outputting of information and the transmitting and receiving of wireless signals in which a controller is settable by a user or control by a user is exercised by setting one of a plurality of operational modes including a scanner mode which determines whether identifying wireless signals corresponding to a target device have been received and if the identifying wireless signals have been received, outputting via the output device an indication that the wireless terminal is within the range of the target device. The Examiner suggests in his Office Action that column 4, lines 30-35, of Beamish teach this subject matter.

However, a person of ordinary skill in the art would not consider Beamish to disclose anywhere, including in column 4, lines 31-35, a controller which is settable by a user to a plurality of operation modes including a scanner mode. What is described in the referenced portion of column 4, lines 31-35, is control logic, an interface and a detector for determining whether the communication device is within range of a local wireless communication system. There is no description therein of "said controller is settable by a user to one of a plurality of operational modes including a scanner mode" as recited in claim 1 and "wherein said controlling is settable by a user to one of a plurality of operational modes including a scanner mode."

Moreover, there is no basis why a person of ordinary skill in the art would be led to modify the teachings of Beamish to include a controller or controlling setting of modes by a user to one of a plurality of operation modes including a scanner mode except by impermissible hindsight.

Claims 2 and 12 recite a target mode which causes said wireless terminal to operate as a target device and transmit identifying wireless signals identifying the wireless terminal. The Examiner relies upon column 2, lines 50-52, of Beamish. However, column 2, lines 50-52, teaches "[u]sing a local wireless communication system infrastructure may also transmit data to or receive data from a communication device residing within its range". This teaching is not a target mode. Substantively, claims 2 and 12 require the combination of a controller or controlling which is settable by a user to one of a plurality of operation modes including a scanner mode as recited in claim 1 as discussed above and further include a target mode which causes said wireless terminal to operate as a target device and transmit identifying wireless signals identifying the wireless terminal. It is submitted that a person of ordinary skill in the art would not consider Beamish to disclose the aforementioned combination of a scanner mode and a target mode which is selectable by a user. Moreover, there is no basis why a person of ordinary skill in the art would be led to modify the teachings of Beamish to arrive at this subject matter of claims 2 and 12.

Claims 6 and 16 respectfully limit claims 2 and 12 in reciting "said controller is set to the scanner mode, said wireless terminal scans received wireless signals to determine whether the identifying wireless signals indicate that the target device is associated with predefined information." In the first place, as discussed above, Beamish do not disclose the aforementioned combination of a scanning mode and a target mode. Moreover, column 4, lines 30-36, of Beamish which has been discussed above, do not suggest the further setting during the scanner mode with identifying wireless signals indicate that the target device is associated with

predefined information. It is submitted that there is no teaching in column 4, lines 30-36, of Beamish involving predefined information.

Claims 3, 4, 7, 8 9, 13, 14, 17, 18 and 19 stand rejected under 35 U.S.C. §103 as being unpatentable over Beamish in view of United States Patent 6,539,232 (Hendrey et al). These grounds of rejection are traversed for the following reasons. Hendrey has been cited as teaching a wireless terminal wherein identifying wireless signals indicate that the target device is associated with predefined information. The Examiner cites column 2, lines 39-59, and further column 3, lines 1-4.

Claims 3 and 13 substantively recite said identifying wireless signals indicate that said target device is associated with predefined information input by a user of the target device. The aforementioned portions of Hendrey et al describe the connecting of first and second telecommunications units in accordance with predetermined criteria which may be a predetermined distance as described in conjunction with Fig. 4 or a profile of an end user as described in Figs. 5, 6 and 7. It is submitted that these portions of Hendrey do not describe, *inter alia*, that the wireless signals indicate that the target device is associated with predefined information input by the user of the target device. Accordingly, if the proposed combination of Beamish et al and Hendrey et al were made, the subject matter of claims 3 and 16 would not be achieved.

Claims 7 and 17 further limit claims 2 and 12 in reciting wherein said controller is set to said target mode, the user is permitted to input predefined information concerning the user and said identifying wireless signals transmitted by said wireless terminal indicate that said wireless terminal is associated with the predefined information. The Examiner cites column 2, lines 64-67, and column 3, lines 1-25, of

Hendrey et al. However, it is submitted that the referenced portions of Hendrey et al do not describe the user being permitted to input predefined information concerning the user and said identifying wireless signals transmitted by said wireless terminal indicate that wireless terminal is associated with predefined information. If the Examiner persists in the stated grounds of rejection, it is requested that he point out on the record where the aforementioned disclosure is found in Hendrey et al either in the referenced portions or elsewhere.

Claims 8 and 18 further limit claims 1 and 11 in reciting that the identifying wireless signals indicate that the target device is associated with predefined information. These grounds of rejection are traversed for the reasons set forth above in that it is submitted that the referenced portion of column 3, lines 1-25, does not teach that the identifying wireless signals indicate that the target device is associated with predefined information.

Claims 9 and 19 further limit claims 8 and 18 in reciting that the predefined information is input by a user of the target device. Claims 9 and 18 are patentable for the same reasons set forth above with respect to claims 3 and 13.

Claims 5, 15, and 20 stand rejected under 35 U.S.C. §103 as being unpatentable over Beamish et al in view of United States Patent 5,086,394 (Shapira). These grounds of rejection are traversed for the following reasons.

Shapira has been cited as disclosing predefined information including information concerning the user of the target device such as the name of a user, hobbies of the user and marital status of the user with the Examiner relying upon column 2, lines 13-68, and column 3, lines 1-18. However, it is submitted that

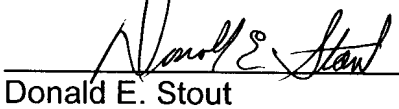
Shapira does not cure the deficiencies noted above with respect to the combination of Beamish and Hendrey et al.

In view of the foregoing amendments and remarks, it is submitted that each of the claims in the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (0173.40208X00) and please credit any excess fees to such deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Donald E. Stout
Registration No. 26,422
(703) 312-6600

DES:kmh:dlh